

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FREDRICK JAMES DAVIS,

Plaintiff,

vs.

JULIA CHILDREY,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 4:09-CV-966 CDP

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff presently "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refile as a fully paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

¹See Davis v. State of Missouri, Case No. 4:08-CV-1481 DDN (E.D. Mo.); Davis v. State of Missouri, Case No. 4:08-CV-1927 CAS (E.D. Mo.); Davis v. Mitchell, Case No. 4:09-CV-439 RWS (E.D. Mo.).

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 8th day of July, 2009.


UNITED STATES DISTRICT JUDGE